



CRL OP(MD). No.7808 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/08/2023

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Sachin Balakrishna

... Petitioner/ Accused Rank not known

Vs

1.The State represented by
The Inspector of Police,
City Crime Branch,
Trichy District.
Cr.No.15/2017.

2.The State, Represented by
The Inspector of Police,
Economic Offences Wing,
Trichy District.
(Crime No.15 of 2017)

... Respondents/Complainants

For Petitioner : Mr.A.Arun
Advocate.

For Respondents : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 15/2017 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the second respondent in Crime No.15 of 2017, for the alleged offences punishable under Sections 406, 417, 420, 294(b) and 506 (ii) of IPC and Section 5 of the Tamil Nadu Protection of Interest and Depositors (in Financial Establishments) Act, 1997, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have collected deposits from the complainant and several other persons with a promise to give gold, equivalent to the amount collected from them and later failed in their promise. Hence, this complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner was a former director of the Company and he has resigned from the Company on 29.06.2023 by a relieving letter dated 12.06.2023, whereas, the First Information Report has been filed in the year 2017. Hence, anticipatory bail may be granted to this petitioner.

4.Since the respondents have raised certain objections for grant of anticipatory bail to this petitioner that the investigation is pending and therefore, this Court by an order dated 28.04.2023 has granted an order of interim anticipatory



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bail, enabling the petitioner to appear before the Investigating Officer. The petitioner has also appeared before the respondent police and now the respondent police claims that the investigation has been completed.

5.Since the petitioner belongs to Kerala, in order to ensure his availability for the trial, this Court suggested the petitioner to file an affidavit of undertaking along with the details of sureties of responsible persons. Accordingly, the petitioner has also furnished the details that one Sreenath working as Police Constable in Kerala Police and one Sulochana Dasan, who is working as a Teacher at Vivekananda Vidyanikethan Central School, Kerala are inclined to stand as sureties for his release.

6.Considering the role played by this petitioner in this case and the stage of the investigation and also considering the fact that the petitioner is also ready to furnish sureties of responsible persons from his native, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for TNPID Act Cases, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Twenty Five



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thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that: The following persons shall be the sureties:-

1. Mr.Sreenath, S/o Subrahmanian, Police Constable in Keral Police.
2. Mrs.Sulochana Dasan, W/o K.K.Dasan, Teacher at Vivekananda Vidyanikethan Central School, Kerala.

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[a](i) the petitioner shall also file an affidavit before the respondent police that he will not involve in any offence in future and the similar affidavit shall also be filed before the concerned Magistrate, at the time of furnishing sureties.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
22/08/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1.THE SPECIAL JUDGE, SPECIAL COURT FOR TNPID ACT
CASES, MADURAI.

2.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,
ECONOMIC OFFENCES WING,
TRICHY DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

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Date :22/09/2023

SS/JGB/03/10/2023/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023